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10/786,949	02/25/2004	Wim van de Camp	31599/268646	3781

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EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/786,949

Applicant(s)

VAN DE CAMP, WIM

Examiner

SANG KIM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-27 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/24/05, 7/11/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### ***Drawings***

The drawings are objected to because an "inner surface" fails to show a cross section must be set out and drawn to show all of the materials as they are shown in the view from which the cross section was taken. The parts in cross section must show proper material(s) by hatching with regularly spaced parallel oblique strokes, the space between strokes being chosen on the basis of the total area to be hatched. The various parts of a cross section of the same item should be hatched in the same manner and should accurately and graphically indicate the nature of the material(s) that is illustrated in cross section.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a motor recited in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "softer" in claims 1, 11 and 22, is a relative term which renders the claims indefinite. The term "softer" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Is applicant referring to the material texture or hardness?

Claim 18 is indefinite and vague. What constitutes an active length?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 11-12, 22 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 05085670.

With respect to claims 1-2, 11-12, 22 and 27, JP '670 teaches a method of using the apparatus, as shown in figures 1-7. JP '670 shows a winding core comprising: a hollow cylindrical core member (1) having an inner surface (2), an outer surface (3), and first and second ends (left and right ends); a chuck-engaging layer (i.e., an attachment portion of drum 21) attached on the inner surface of the core member, wherein the chuck-engaging layer is softer than the core member (i.e., a rubber sleeve 2 is softer than steel 3, and the rubber sleeve 2 can be easily fitted to the core member 1, see abstract); and a chuck (21) rotates about a longitudinal axis extending through the core member to wind a web material about the outer surface of the core member.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05085670.

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JP '670 teaches the chuck-engaging layer made from a rubber material, but does not explicitly state what type of rubber it is made from.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a polymeric or synthetic rubber because of its characteristics provide durability, friction, and hardness to correspond to the nature of the material being wound or unwound.

Claims 6-10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05085670.

With respect to claims 6-9, JP '670 shows many different dimensions with respect to the core member of inner and outer diameters.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the size ranges specified in the claims when making the core, it being well known in the art to size rolls and cores to correspond to the nature of the material being wound. It would have been well within the level of skill of one skilled in the art to select the claimed dimensions based on considerations such as the material and size of roll desired.

With respect to claims 10 and 25, JP '670 shows the chuck-engaging layer extends the entire length due to the chuck extending all the way through the core member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the chuck-engaging layer with respect to the chuck's

length to reduce costs. Note: Applicant recognizes that the length of the chuck-engaging layer could be any length to accommodate different sized chucks, see specification on page 9, lines 12-13.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05085670, in view of EP 1211214.

JP '670 does not teach a paper-based material for the inner layer and a glass fiber reinforced plastic material for the outer layer.

EP '214 teaches the tube made of different materials, such as paper, fiberglass or the like for the inner and outer layers, see columns 2-4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the materials of JP '670 with the materials taught by EP '214, to provide an easier grip with respect to the chucks and prevent the core from being damaged during winding and unwinding of heavy materials.

Claims 16-19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05085670, in view of Montalvo, U.S. Patent No. 5326113.

With respect to claims 16-17 and 26, JP '670 shows the chuck (21) which is made to expand, but does not show a double row of expanding elements.

Montalvo '113 shows chucks (left and right ends) with a double row of expanding elements (69) to engage the core, figure 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the chuck of JP '670 with a double row of expanding elements to engage the core and supporting both ends as taught by Montalvo '113, to help engage the core better.

With respect to claims 18-19, as advanced above, JP '670 in view of Montalvo '113 shows many different dimensions with respect to the core member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the size ranges specified in the claims when engaging the chuck into the core, it being well known in the art to size rolls, chucks, and cores to correspond to the nature of the material being wound. It would have been well within the level of skill of one skilled in the art to select the claimed dimensions based on considerations such as the material and size of roll desired.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05085670 in view of Gentry, U.S. Patent No. 6161791

JP '670 does not explicitly show a motor coupled to the chuck.

Gentry '791 shows a motor (102) coupled to a chuck (72), see figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach a motor to a chuck as clearly shown by Gentry '791, to provide an automatic winding or unwinding of the roll.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05085670 in view of Gentry, U.S. Patent No. 6161791 as applied to claim 20 above, and further in view of Fejer, Science and Technology.

JP '670 in view of Gentry '791 does not explain a chuck factor of at least .85 when rotating the chuck 21.

Fejer explains a chuck factor of at least .85 when rotating the chuck, see pages 37-38.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the chuck with rotation of the chuck with at least .85 of chuck factor as taught by Fejer, to provide stability and limit the vibration frequency during winding and unwinding.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05085670, in view of Fejer, Science and Technology.

JP '670 does not explain a chuck factor of at least .85 when rotating the chuck 21.

Fejer explains a chuck factor of at least .85 when rotating the chuck, see pages 37-38.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the chuck with rotation of the chuck with at least .85 of chuck factor as taught by Fejer, to provide stability and limit the vibration frequency during winding and unwinding.

***Allowable Subject Matter***

Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Atwood et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/8/05

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